

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13327, of Washington Realty Group, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the side yard requirements (Sub-section 3305.4) and from the prohibition against allowing a roof structure to exceed 18.5 feet in height (Paragraph 3201.26) to construct an apartment house in an R-5-D District at the premises 2112 F Street, N.W., (Square 81, Lot 82).

HEARING DATE: September 17, 1980

DECISION DATES: October 1 and November 5, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-5-D District on the south side of F Street between 21st and 22nd Streets.

2. The lot is rectangular in shape, 75.33 feet wide and 117.93 feet deep. It has an area of 8,883.67 square feet.

3. The lot is presently vacant and unimproved. The lot was formerly occupied by a five story brick and concrete apartment building known as the Atherton.

4. The applicant proposes to construct an apartment house on the site. An apartment house is a use permitted as a matter-of-right in the R-5-D District.

5. The plans as reviewed by the Zoning Administrator's Office and as originally submitted to the Board, marked as Exhibit No. 9 of the record, showed a penthouse on the roof having a height of 22.5 feet above the level of the roof. Paragraph 3201.26 of the regulations permits roof structures to a height of 18.5 feet above the level of the roof. The applicant therefore requested a variance of four feet from the limitation of Paragraph 3201.26.

6. By letter dated August 12, 1980, counsel for the applicant submitted revised plans to the Board. Those plans marked as Exhibit No. 18 of the record, showed a penthouse not exceeding 18.5 feet in height. The applicant therefore does not require a variance from Paragraph 3201.26.

7. The plans marked as Exhibit No. 18 propose the construction of a nine story forty-eight unit apartment building. The basement level was proposed for clinic use and there would be several levels of underground parking containing a total of thirty-five spaces.

8. The building was proposed to extend from side lot line to side lot line. No side yards were proposed.

9. Sub-section 3305.4 of the Regulations provides that when a building does not share a common wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free standing side.

10. A fifteen foot wide public alley adjoins the site on its west side. The five story Clermont Apartments building adjoins the site on its east side. The Clermont building is set back over ten feet from the lot line.

11. The applicant is thus unable to construct a building which will share a common division wall with another building. A side yard on each side is thus required. For a ninety foot building, as proposed by the plans marked as Exhibit 18, a side yard must be a minimum of 22.5 feet wide. Since the applicant proposes no side yards, a variance is required.

12. As previously described, the property immediately to the east is improved with an existing apartment house known as the Clermont Apartments. This building has windows in its west wall which face the subject property. The west wall of the building is set back 10.52 feet from the lot line at the front and the rear. The center section of the west wall is set back approximately 14.6 feet from the lot line.

13. Across the alley to the west is an eight story brick apartment building known as the Michelle Towers. There are windows in the east wall of that building which look over the alley and the subject site. The face of the east wall of the Michelle Towers is set back approximately 7.25 feet from the lot line.

14. Behind the subject property to the south is an eight story apartment building which fronts on 21st Street, N.W. A major portion of the side of that building facing the adjacent property is a five story high blank wall on the property line.

15. The building as shown on the plans marked as Exhibit No. 18, is proposed to extend back along the west side property line for a depth of approximately ninety-two feet. The building would abut the east side lot line for a depth of approximately eighty feet.

16. The applicant argued that if two side yards meeting the requirements of the Regulations were provided, only 30.33 feet of the lot could be developed. The Board finds that a building with a width of only 30.33 feet would be poorly designed, extremely narrow and would not be a benefit for the occupants or for the city as a whole.

17. The Office of Planning and Development, by memorandum dated September 5, 1980, and by testimony at the hearing, recommended that the application be denied. The OPD was of opinion that if the building were constructed as proposed, there would not be sufficient distance between the subject building and the adjoining properties to provide for adequate light, air and ventilation. The Board agrees

18. There was no report from Advisory Neighborhood Commission - 2A.

19. At the public hearing, the Board engaged in discussion with the applicant over the potential adverse effect that the building as proposed would have on adjoining buildings. The Board requested the applicant to revise the plans for the building, so as to provide a greater separation and better circulation of light and air.

20. By letter dated September 26, 1980, the applicant submitted two alternate revised plans to the Board. Both of the revised plans eliminate the clinic and provide for apartment house configuration only. Alternate A provides for a thirty foot separation between the proposed building and the Michelle Towers to the west, including 7.75 feet of side yard on the subject property, fifteen feet in the alley and 7.25 feet of side yard on the Michelle Towers site. That plan also provides thirty feet between the proposed building, and the existing wall of the Clermont Apartments, including 15.4 feet of side yard on the subject property and 10.52 feet of side yard and 4.08 feet of open court on the Clermont property. Alternate A provided a rear yard of only 15.75 feet, which is less than the 22.5 foot rear yard required and would require a rear yard variance. The floor area ratio achieved would be 5.98.

21. Alternate B provided the same side yard setbacks and separations as described in Alternate A above. Alternate B meets the rear yard requests as well, but achieves a floor area ratio of only 5.5.

22. The plans submitted as Alternate B unduly restrict the amount of floor area which can be developed on the site. Alternate A does not provide adequate spacing between the rear of the proposed building and the five story blank wall of the adjoining property to the south. Neither plan adequately treats the streetscape of the building, since it creates excessive gaps along the frontage of F Street.

23. At its public meeting held on October 1, 1980, the Board addressed the deficiencies cited in Finding of Fact No. 22. The Board directed that the applicant submit, for review and approval by the Board, revised plans for the design of the apartment house to meet the following criteria:

- a. The plans shall be based on the alternative A submission of September 24, 1980, as modified below.
- b. The building volume shall be increased by a width of 7.75 feet on each side at the front, to a depth of twenty-five feet from the front.
- c. The rear of the building shall be set back at least 22.5 feet from the blank-wall projection of the adjoining building to the rear.
- d. The applicant may further reduce the building bulk at the rear.

24. The applicant submitted revised plans to meet the criteria of the Board. Those plans are marked as Exhibit No. 25 of the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact, and the evidence of record, the Board concludes that the requested side yard variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the width of the lot and the lack of an adjoining building with which the proposed building could share a common division wall combine to create an exceptional condition. The Board further concludes that the strict application of the regulations would create a practical difficulty for the owner, in that the building which would result would be poorly designed and functionally unattractive.

The Board concludes that the plans as originally proposed would have had a substantial detriment to the public good in terms of the impact on existing adjoining apartment buildings. The Board concludes that, if the applicant meets the conditions required by the Board, that detriment will be alleviated. The Board concludes that compliance with those conditions results in the encroachment of the building into the required rear yard. The Board concludes that a rear yard variance is warranted and justified in these circumstances.

The Board concludes that as conditioned herein, the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application for side yard variance is granted and that a rear yard variance is also granted, both SUBJECT to the CONDITION that the BUILDING be CONSTRUCTED IN ACCORDANCE with the REVISED PLANS marked as EXHIBIT NO. 25 OF THE RECORD.

VOTE: 5-0 (Theodore F. Mariani, Connie Fortune, Leonard L. McCants, Charles R. Norris and William F. McIntosh to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 22 DEC 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.